

REMARKS

This is in full and timely response to the Official Action of May 17, 2005.

Reexamination and reconsideration re respectfully requested.

Priority Acknowledgement

It is noted that the initial Action acknowledges receipt of the certified copy in support of the claim for priority under 35 USC 119.

Drawings

It is noted with appreciation that the drawings filed on January 23, 2004 have been accepted by the Examiner.

Claims

Claims 6 and 8 to 19 remain pending in this application.

Claims 14 and 19 are objected to for the reasons noted in the paragraph at the top of page 2 of the Action. These claims are amended as suggested to overcome the objection by adopting the suggestion of the examiner.

Claims 6 and 8 to 19 were rejected as allegedly being unpatentable over Takayama '121, No. 6,613,121, filed on June 19, 2001 and issued on September 2, 2003. The subject '243 application was filed on January 23, 2004, but claims domestic priority as a divisional application of Application No. 10/193,625 (the "'625 application) filed on July 12, 2002 and claiming priority on the basis of two Japanese applications, now issued as U.S. Pat.

No. 6,844,085 on January 18, 2005. The '625 application and the '121 patent were thus for a period copending. Since the '625 application and the '121 patent were, at the time of the invention, and for all times relevant to this rejection, owned by the same entity, Komatsu, Ltd., the '121 patent is not available as a reference supporting any section 103 (c) rejection.

The specification has been amended to update the status of the parent application as noted.

Dated: July 22, 2005

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

Attorney for Applicant

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353